

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT P. CASTO and MOLLY L. CASTO,
Individually, and the marital community
comprised thereof,

Plaintiffs,

v.

SEARS ROEBUCK AND COMPANY,
Defendant.

Case No. C06-5152 JKA

**ORDER GRANTING DEFENDANT'S
MOTION FOR A DETERMINATION
OF ITS REASONABLE ATTORNEYS'
FEES FOR BRINGING ITS MOTION TO
COMPEL RESPONSE TO ITS FIRST
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO PLAINTIFF**

This matter having come on regularly before this Court, and the Court having reviewed this Motion and Defendant's Motion to Compel Responses to Its First Interrogatories and Requests for Production to Plaintiff, and being advised,

The court notes that defendant includes a request for fees for the preparation of both the Motion to Compel and Declaration, as well as the Reply Brief and Supplemental Declaration. The plaintiff did not file a response to the motion, hence no reply was authorized. Accordingly defendant should not be awarded fees for preparing the Reply Brief and Supplemental Declaration. Accordingly defendant's request for fees (otherwise reasonable) in the amount of \$1,196.00, will be reduced by \$230.00 for a total award of \$966.00.

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion for a Determination of Its Reasonable Attorneys' Fees for Bringing Its Motion to Compel Response to Its First Interrogatories and Requests for Production to Plaintiff is GRANTED, as follows:

Defendant is awarded \$996.00 in attorneys' fees as the amount is reasonable under the circumstances.

DATED this 14th day of March, 2007.

/s/ J. Kelley Arnold
Honorable J. Kelley Arnold
United States Magistrate Judge

